

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SEVENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO.13662 of 2005

Between:

D. Narendra Luther S/o D. Danam (Late), 42 years,
Plot No. 32, Saipuri Colony Kapra Municipality, Ranga Reddy District.

...PETITIONER

AND

The Commissioner, Kapra Municipality, Ranga Reddy District.

...RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue any appropriate Writ order or direction particularly one in the nature of Writ of Mandamus declaring the action of the respondent in issuing the notice in P.O. No. G/UCR/19/1/1005-2006 dated 07.05.2005 and P.O.NO. G/UCR/19/1/2005-2006 dated 23.05.2005 as arbitrary, illegal and violative of Articles 14 and 21 of the Constitution of India and consequently set a side the notice in P.O.No.G/UCR/19/1/2005-2006, dated 07.05.2005 and P.O.No.G/UCR/19/1/2005-2006, dated 23.05.2005.

Counsel for the Petitioner: MR.CHANDRAIAH SUNKARA

**Counsel for the Respondent: MR.POLISETTI RADHAKRISHNA, Standing
Counsel for Municipality**

The Court at the admission stage made the following:

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO.13662 of 2005

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ORDER:

This Writ Petition is filed by the petitioner seeking a declaration of the action of the respondent in issuing the notices in P.O.No.G/UCR/19/1/2005-2006 dated 07.05.2005 and P.O.No.G/UCR/19/1/2005-2006 dated 23.05.2005 as arbitrary and illegal and to consequently set aside the said notices.

It is submitted by the learned Standing Counsel for the Municipality that against the order dated 23.05.2005 passed by the Commissioner, Kapra Municipality, Ranga Reddy District, an appeal is provided under Section 345 of A.P.Municipalities Act, 1965 ('the Act' for brevity) to cancel the order which is under consideration and to pass appropriate orders. The petitioner has failed to approach the appellate authority and straight away approached this Court by filing this Writ Petition.

Considering the facts and circumstances of this case, the Writ Petition is not maintainable as the petitioner is having alternate effective remedy provided under

the provisions of the Act.

The Writ Petition is dismissed. However, considering the request made by the learned counsel for the petitioner, as the time granted by the respondent for removal of unauthorized constructions is expired seven days from the date of order dated 23.05.2005. Therefore, two weeks time is granted to the petitioner to approach the appellate authority and seek appropriate order. Mean time, the petitioner is directed not to go on with the illegal construction as pointed out by the respondent-Municipality. No costs.

(ELIPE DHARMA RAO, J)

27th June 2005

RRB

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

Copy To:

1. The Commissioner, Kapra Municipality, Ranga Reddy District.

2. Two CD copies.